

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JAMES C. HILL, :  
 :  
 Plaintiff, :  
 :  
 v. : Civil Action No. 05-452 JJF  
 :  
 SUPER FRESH FOOD MARKETS, INC., :  
 :  
 Defendant. :

O R D E R

WHEREAS, pending before the Court is a Letter Motion For Entry of Default Judgment (D.I. 18) filed by Plaintiff, James C. Hill;

WHEREAS, Plaintiff contends Defendant failed to respond [to Plaintiff's complaint] within the time allowed by F.R.C.P 4(a) and 12.3(1)(a)(b), thus entitling Plaintiff to entry of a default;

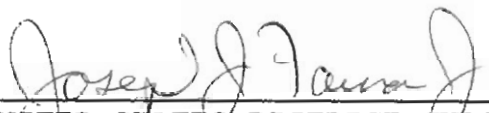
WHEREAS, Defendant responds that on December 1, 2005, the Court granted Defendant's Motion for an Extension of Time to File Answer to Complaint (D.I. 14), which provided the Defendant a deadline of December 13, 2005 to respond(D.I. 19);

WHEREAS, on December 12, 2005, Defendant filed a Motion to Dismiss with supporting memoranda in response to Plaintiff's complaint (D.I. 16, 17);

WHEREAS, the Court finds that Defendant filed a response within the time permitted in the Court's December 1, 2005 Order granting an extension of time;

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff's  
Letter Motion For Entry of Default Judgment (D.I. 18) is **DENIED**  
as moot.

February 2, 2006  
DATE

  
UNITED STATES DISTRICT JUDGE